

MINUTES OF THE CITY PLANNING COMMISSION

J. MARTIN GRIESEL ROOM

May 16, 2003
9:00 AM

Present: Appointed Members: Donald Mooney, Peter Witte, Caleb Faux; Water Works Director David Rager; Community Development and Planning Staff: Peg Moertl, Director; Skip Forwood, Acting Chief Planner

Mr. Mooney called the meeting to order.

MINUTES

The minutes of the May 2, 2003 City Planning Commission (CPC) meeting were presented for consideration.

Motion: Mr. Faux moved approval of the minutes.

Second: Mr. Rager

Vote: All ayes (4-0), motion carries.

CONSENT ITEMS

Item #1 was taken off the Consent Agenda.

REPORT AND RECOMMENDATION GRANTING A PERMANENT SANITARY SEWER EASEMENT FOR THE DIEHL ROAD SEWER REPLACEMENT PROJECT IN MT. AIRY.

The Board of County Commissioners of Hamilton County requested a permanent sanitary sewer easement for the Diehl Road Sewer Replacement Project through Mt. Airy Forest in Cincinnati. The purpose is to replace an existing 12" sanitary sewer constructed in 1966 that has partially collapsed with a new 1,340 feet of 12" sewer and appurtenances. The Cincinnati Board of Park Commissioners approved the granting of the easement. The city administration and MSD support the project.

REPORT AND RECOMMENDATION FOR A RELEASE AND QUIT-CLAIM OF EASEMENTS THAT ENCUMBER PROPERTY AT THE NORTHWEST CORNER OF FIFTH AND RACE STREETS IN THE CENTRAL BUSINESS DISTRICT.

As part of the construction of the former Fifth and Race Tower, public improvements were made. The previous property owner granted easements to maintain these public improvements to the city. When the Fifth and Race Tower was demolished, the public

improvements were removed. Transportation and Engineering has determined that the easements may be released and quit-claimed. Staff recommends approval.

REPORT AND RECOMMENDATION ON THE SUBDIVISION IMPROVEMENT PLAN FOR THE GRAND AVENUE COMMONS SUBDIVISION IN EAST PRICE HILL.

The subdivision is located at the southern terminus of Grand Avenue 304 feet south of the intersection of Murdock Avenue and Grand Avenue. The development site is 3.91 acres and zoned R-V Residence View District and R-3 Two-family District. The site is within Environmental Quality Hillside District No. 1. A site development plan including 16 single-family residences, a nine-unit condominium building and renovation of an existing 18-unit apartment building was approved by the hearing examiner granting lot size variances to 11 of the 16 single-family home sites. The new street will consist of the realignment of Grand Avenue curving west and extending north intersecting with existing Murdock Avenue. There are sidewalks on both sides of the new street and utilities will be underground.

REPORT AND RECOMMENDATION ON THE PLAT OF DEDICATION FOR GRAND AVENUE FOR THE GRAND AVENUE COMMONS SUBDIVISION IN EAST PRICE HILL.

The Community Development and Planning Department has offered financial assistance for infrastructure in support of new single-family housing. The scheduled work will be required to be within a city-controlled dedicated right-of-way or a clearly defined permanent public easement. Once the right-of-way is dedicated, the streets will be constructed according to the approved Subdivision Improvement Plan. The plat dedicates a 50-foot right-of-way for a realigned and newly extended Grand Avenue that will intersect Murdock Avenue. Staff recommends approval.

REPORT AND RECOMMENDATION ON A SUBDIVISION IMPROVEMENT PLAN FOR LINCOLN COURT NORTH SUBDIVISION IN THE WEST END.

The Cincinnati Metropolitan Housing Authority has received a \$35,000,000 Hope VI grant from the U.S. Department of Housing and Urban Development toward the development of this mixed-income community. The City of Cincinnati has committed \$7,000,000 to construct infrastructure and housing units. There will be 86 new lots created. The plans were reviewed and approved by all city agencies.

Motion: Mr. Witte moved approval of consent items 2 through 6.

Second: Mr. Faux

Vote: All ayes (4-0), motion carries.

DISCUSSION

REPORT AND RECOMMENDATION TO APPROPRIATE TO PUBLIC USE ALL RIGHT, TITLE AND INTEREST IN SEVERAL PARCELS OF PROPERTY LOCATED IN THE CLIFTON HEIGHTS URBAN RENEWAL AREA.

Peg Moertl stated that the project requires the acquisition of 74 parcels, relocation of 12 businesses and 65 residential tenants. About half of the acquisitions are taken care of. The City's Real Estate Division is handling the acquisition process. Mr. Faux made a statement that it seems the city is slowly stepping away from the position of only using eminent domain in the downtown.

Mr. Mooney disqualified himself from voting since he may have a conflict on this item.

Motion: Mr. Faux moved approval.

Second: Mr. Witte

Vote: Ayes (3-0), motion carries.

REPORT AND RECOMMENDATION ON A PROPOSED ZONE CHANGE FROM R-5 MULTI-FAMILY MEDIUM-DENSITY DISTRICT TO B-4 GENERAL BUSINESS DISTRICT AT 2709 WOODBURN AVENUE IN EAST WALNUT HILLS

Katherine Keough-Jurs stated that since the April 4, 2003 when this zone change was first presented, the community, Mr. Whalen of Schulhoff Tool Rental and his architect met to discuss what changes could be done to the site plan that would be agreeable to all parties.

The major issues resolved are primarily reflected in the transitional zone guidelines: the use of red brick as an exterior building material, the placement of 26 foot tall evergreen trees to act as a buffer between the new building and the neighbors on Burdette, application of lattice and ivy to the side of the building facing the rear yards of the neighbors on Burdette and the installation of a motion detector light over the exit only fire door at the rear of the building. Staff also added that all additional lighting be screened or shielded from the adjacent residential uses. As part of the transitional zone guidelines, the property has the right of any B-4 use. Ms. Keough-Jurs stated that she is altering her recommendation to ask that the site plan also be approved conditioned on the creation of a new lot, the consolidation with the lot already owned by Schulhoff Tool Rental and the remaining three vacant lots remain residential.

Mr. Mooney avowed that it is appreciated that Mr. Whalen is keeping his business and investing in the city and his willingness to work with the neighboring citizens in a way that works for everyone involved.

Mr. Faux commended Mr. Whalen and the community members for coming together and resolving the issues.

Dorothea Kennedy, East Walnut Hills Assembly, stated that Mr. Whalen has been instrumental in helping East Walnut Hills moving along positively for years. She wants the three portions of the Myrtle property that will not be purchased by Mr. Whalen to remain zoned residential.

Motion: Mr. Faux moved approval.

Second: Mr. Mooney

Vote: All ayes (4-0), motion carries.

REPORT AND RECOMMENDATION ON A DRAFT OF THE LOWER PRICE HILL INDUSTRIAL AREA URBAN RENEWAL PLAN.

Ms. Keough-Jurs introduced the consultant, Clete Benken, Kinzelman Kline Gossman.

Ms. Keough-Jurs stated that most of the recommendations came through conversations with property owners and other stakeholders in the Lower Price Hill boundary area. The first public meeting was on the morning of April 24, 2003 with stakeholders; the consultant spent the afternoon coming up with preliminary ideas. Staff attended the Lower Price Hill Community Council meeting on May 5, 2003 and presented the information. The draft plan was prepared and mailed out to the Planning Commission and all stakeholders on May 9, 2003. The draft plan is still a working document and staff will continue to take comments up until the end. The next meeting will be at the Lower Price Hill Community Council meeting on June 2, 2003 where staff will ask for the community's support of this plan.

Clete Benken stated that in Lower Price Hill there are a lot of complimentary, and in some cases, competing constituencies. The area being looked at is primarily industrial and commercial in its orientation. Mr. Benken stated that a study cannot just consider the industrialized areas as they do have an impact on residential uses and quality of life in the area. A lot of the recommendations touch upon some important social topics that are directly related to the health, safety and welfare of residents of the area as well as the value of property held by existing business operators and landowners.

Recommendations:

- Because many businesses have moved out of Lower Price Hill over the years because sites were not large enough, it is important to consider the consolidation and clean up of dilapidated industrial parcels and remove private sector disincentives. The city should consider the vacation of streets that are not critical to good traffic flow and management.
- State Street is key to the health and well being of the residential area. It is an important north/south connector from Lower Price Hill. M-2 zoning along State Street should be modified to establish a more appropriate transition to provide incentives for adaptive reuse and rehabilitation and spur the development of mixed-use commercial and residential infill.
- Quality and character of some of the existing turn of the century buildings that exude a sense of history and possibly could be adapted for commercial uses.
- There are areas where buildings have been lost over time. As the area redevelops there should be consideration given to siting new buildings along the street wall.
- MSD has a plan in place to expand across Gest Street. It is suggested that MSD continue to provide a clean, organized campus environment. Shared parking

facilities in the area would provide a higher density of commercial and industrial development.

- Streetscaping and architectural screening to create a more walkable business and industrial district that are supportive of the residential areas.
- Consider the relocation of the existing Lower Price Hill Playfield which could provide an expanded opportunity for industrial/commercial development with potential access to the existing CSX Transfer. Recreation Commission has concerns. A new playfield may be possible adjacent to the residential district at Oyler School.
- Future roadway and lighting improvements should include signage and way finding.
- New market rate housing could be infused along State Street in parallel hillside properties with dramatic views to the downtown skyline.
- Historic residential neighborhood is surrounded by commercial and industrial uses on all sides (except the west). There should be some consideration for alternative uses for a site owned by Hilltop Concrete. The M-2 zoning in place now may not be the most appropriate use.
- The current plans for the Waldvogel Viaduct the section of Lead Street south of English Avenue is proposed to be vacated and has the potential of neighborhood supported commercial uses.
- New commercial and mixed-use development should be promoted in the area of Eighth and State Streets.

A lot of the recommendations in the 1986 Lower Price Hill Residential Plan are still valid. There should be a reevaluation of that plan and a recommitment to some of its goals. Because of the timeframe, this plan cannot address all of the concerns of the residents and civic leaders that are outside of the target area.

It is highly important that there is greater coordination with the folks that are doing business and living the area. For this reason, it would be very beneficial to rekindle a local economic development corporation to begin to steer development in a positive direction in the area.

This plan needs to remain flexible to respond to economic development opportunities.

Ms. Keough-Jurs stated that a lot of comments have been received regarding the recommendations. Staff is meeting with the Cincinnati Recreation Commission on May 20, 2003 regarding the playfield. MSD is not interested in the shared parking.

Bill Fischer stated that the city has no environmental information on the Queen City Barrel site.

Mr. Mooney asked how many people are employed at the Queen City Barrel site. Mr. Fischer responded that five to six years ago there were about 100 employees, now there are between 12 and 20 employees.

Mr. Faux stated that a year ago the Commission heard the city's position on the river with a recommendation that the city should take advantage of its location on the river. It is very important that the city take advantage of front sites in this area.

Peg Moertl stated that this process fits within the larger context of the overall Strategic Program for Urban Revitalization (SPUR).

Carol Walker, MSD, stated that some of MSD's concerns are the shared parking, the playfield area as it is on the riverside of the floodwall. MSD's greater concern is the proposed rezoning of property that will attract individuals who will not be pleased in the long run with being over the top of a sewer treatment plant. The area of the corporate structure that has the greatest emission of odors is adjacent to the proposed area. MSD is supportive of zoning that will create development, but at the same time does not want additional issues that will need to be addressed by MSD. Additional issues will ultimately bring higher rates to the ratepayer in the City of Cincinnati and Hamilton County to offset. MSD has spent nearly four million dollars on odor control for the facility.

Fred Madden, Consolidated Metal Products, 1028 Depot Street, 45204, wants to better understand how the development plan will affect his business.

Mr. Fischer responded that the city invested in Consolidated Metal Products a few years ago and is the kind of business envisioned for the area. The plan is looking to take advantage of nonprofit producing types of properties.

Kevin Sheehan, Executive Vice President, Hilltop Resources, 1 W. Fourth Street, 45202, stated that Hilltop has owned this 30+-acre property since 1991. This property was purchased with the intention of moving the concrete operation to this site which is presently located across from Paul Brown Stadium. Hilltop Resources has decided to sell this property.

James Gooding, 1605 State Avenue, 45204, stated that in the past 19 years has taken a small block of State Avenue at W. Liberty between Saratoga and transformed this block into no more crime, no more Section 8 and no more gangs and renovated the property which has since sold twice. Mr. Gooding is concerned about the zoning because there is no transition between manufacturing and residential.

Tom Breidenstein, Barrett and Weber, 105 E. Fourth Street, #500, 45202, representing Mike Kaiser, property owner in the southwest portion of the study area. Mr. Breidenstein stated that this plan is well focused for the industrial redevelopment in the area. He is concerned about the broadening of the scope of the plan in protecting the neighbors and the talk about new recreational sites and buffers between residential and industrial which is not appropriate for the scope as defined by this fast tracked plan. The recommendations should not include recommendations for the areas outside of the

industrial use area, as the areas outside the industrial study area require additional study and should be coordinated with the final design of the Waldvogel Viaduct.

Ms. Keough-Jurs stated that staff hopes to bring the plan back to the Planning Commission in early June for approval.

Mr. Mooney stated that the plan is vague and needs to be more specific because is not really a plan but aspirations. Ms. Keough-Jurs responded that staff would continue to refine the document.

Motion: Mr. Faux moved to accept the staff report.

Second: Mr. Mooney

Vote: All ayes (4-0), motion carries.

REPORT AND RECOMMENDATION FOR THE DESIGNATION OF THE OVER-THE-RHINE HISTORIC DISTRICT CONSOLIDATING THE EXISTING OVER-THE-RHINE (NORTH) AND OVER-THE-RHINE (SOUTH) HISTORIC DISTRICTS UNDER A SINGLE SET OF GUIDELINES.

Skip Forwood stated that the intent is not to change the perimeter boundary except to eliminate the boundary between the two districts. In 2001, the guidelines were modified from those of the south to be less restrictive. The new guidelines will now be uniform with the recently approved less restrictive guidelines.

Walter Reinhaus, 24 W. McMicken, 45202, stated that he is the owner and developer of a large industrial property in a section of Over-the-Rhine with higher crime. Mr. Reinhaus stated that he is a member of several community organizations. He moved here from Chicago from a neighborhood with a lot of similarities to Over-the-Rhine that was successfully revitalized. He was one of four chairpersons for the steering committee along with the city that developed the new master plan for this area. Stated that the presentation of the changes was not made clearly in format and there was not adequate public notice. Testified at Councilmember Booth's committee meeting where he proposed a review of how the guidelines were working. The adaptive and reuse comments are not sufficient enough to address the industrial use owners. The description of the character of the neighborhood that is in the earlier designation reports is being removed.

Ms. Moertl stated that this is not a change in the historic north guidelines at all.

Mr. Mooney suggested an amendment to the designation report making reference to the fact that this report incorporates the more detailed designation reports adopted when the north and south designations were adopted.

Ms. Moertl stated that Community Council and Planning Department will reach out to the community council requesting the community council to review the guidelines overall and make recommendations.

Motion: Mr. Faux moved approval of the designation with an amendment to make a reference incorporating the prior designation reports.

Second: Mr. Rager

Vote: All ayes (4-0), motion carries.

MR. WITTE LEFT THE MEETING

ZONING CODE:

Ms. Moertl stated that there seems to be support all around for the amended schedule that was talked about which will be submitted at the next Planning Commission meeting.

There will be joint hearings between the Planning Commission and City Council. The target is to get the zoning code approved by the end of September.

Mr. Faux stated that the concern he is hearing from Council is in regard to the maps.

ADJORNMENT

With no further business to consider, the meeting was adjourned.

Margaret M. Moertl, Director
Community Development & Planning

Donald J. Mooney, Chairman

Date:_____

Date:_____